

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
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- against -	:	S5 15-CR-706 (VSB)
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NG LAP SENG,	:	<u>OPINION & ORDER</u>
	:	
	:	
Defendant.	:	
	:	
X		

USDC SDNY
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DATE FILED: 3/23/2021

For the reasons set forth at the conference held on March 17, 2021, and without objection from Defendant Ng Lap Seng (“Defendant” or “Ng”), it is hereby ORDERED that:

1. Government’s Motion for Reconsideration. The Government’s motion for reconsideration, (Doc. 991), of the Court’s decision of March 15, 2021, (Doc. 989), granting compassionate release in light of the COVID-19 pandemic is DENIED for the case-specific reasons set forth at the conference held on March 17, 2021, including that Defendant was previously informed that his motions for compassionate release and reconsideration were already granted.

2. Stay of the Court’s Release Decision and Timing of the Release of Defendant.

On March 15, 2021, I granted the Government’s request for a stay of the Court’s decision. (Doc. 992.) The parties had previously agreed that the stay should be vacated on the business day following Defendant receiving his second shot of the Moderna vaccine or on March 29, 2021, whichever date is earlier. On March 23, 2021, defense counsel informed the Government and me

that Defendant had received his second dose of the Moderna vaccine earlier that day. As such, the stay is VACATED and the Federal Bureau of Prisons (“BOP”) shall deem the sentence of Defendant amended to time served, with all other conditions set forth in the judgment of conviction unchanged, pursuant to 18 U.S.C. § 3582 and the Court’s decision of March 15, 2021.

3. Transfer of Defendant to Immigration and Customs Enforcement. Upon his release from imprisonment by the BOP, Defendant shall be transferred to United States Immigration and Customs Enforcement (“ICE”) and thereafter promptly removed from the United States pursuant to the order of judicial removal previously issued by this Court. (Doc. 782). ICE shall take all reasonable steps to effect such removal safely (for both Defendant and those with whom he may come in contact) in light of the COVID-19 pandemic and consistent with applicable regulations and procedures.

4. Transfer of Defendant’s Passports. Defendant’s passports, currently in the custody of Xue Huang, shall be sent to ICE Enforcement and Removal Operations, pursuant to instructions previously provided to defense counsel by ICE, so as to effect Defendant’s removal.
SO ORDERED.

Dated: March 23, 2021
New York, New York



Vernon S. Broderick
United States District Judge